

ARTICLE X

Section 22. **ADMINISTRATION.**

A. **Enforcement.** This Law shall be enforced by the Building and Zoning Officer of the Town of Fabius to be appointed by the Town Board.

B. **General Duties.** It shall be the duty of the Building and Zoning Officer to:

1. Make a record of non-conforming uses and buildings existing at the time of adoption of this Law.

2. Approve or disapprove applications for a Building Permit made pursuant to the provisions of this Law.

3. Issue a Certificate of Occupancy, or notice of rejection thereof, in accordance with the provisions of Section 22D of this Law.

4. Serve written notice of the violation of any provisions of this Law upon the person or entity committing or permitting such violation. If such violation has not ceased within such reasonable time as the building and Zoning Officer may specify in the notice, action, as may be necessary to terminate or correct the violation, shall be taken by the Building and Zoning Officer.

5. Keep the Board of Appeals advised on duties pertaining to the enforcement of this Law.

6. Keep necessary and appropriate records, including building permits and certificates of occupancy, and file them in the Office of the Town Clerk.

7. Submit monthly reports to the Town Board enumerating the applications for building permits and certificates of occupancy received, and inspections made, and stating the actions taken.

C. **Building Permits.**

1. No building or structure shall be erected, altered, enlarged, remodeled or extended except after approval of a written

2. Unless waived by the Building and Zoning Officer, the required application shall include a map or survey appropriate for filing with the County Clerk, and prepared by a licensed engineer or surveyor, showing the dimension and detail of the boundary lines of the lot of occupancy, the location of all existing buildings, the location of the building to

be constructed or altered and the dimensions, as appropriate, from the proposed building to the front, side and rear property lines.

3. The Building and Zoning Officer shall determine whether the required application for a building permit is complete and when additional information is necessary to assure compliance with this Law. Each application shall be endorsed and signed by the Officer. If disapproved, the reasons therefor shall be stated on the application.

4. Unless extended by the Building and Zoning Officer, any approved building permit shall become null and void if not acted upon within one (1) year from the date of approval.

D. Certificate of Occupancy.

1. Upon completion of any new construction or alteration for which a building permit has been issued, and prior to occupancy of any new or altered building or structure, the Building and Zoning Officer shall inspect the premises for compliance with this Zoning Law and other applicable laws and regulations. If, in the best judgment of the Officer, the construction meets all applicable regulations, specifications and conditions, a Certificate of Occupancy shall be issued and the building occupied.

2. If any building or structure for which a building permit has been issued is in violation of the provisions of this Zoning Law, the Law shall be enforced as stated in Section 23 herein.

3. Upon request, the Building and Zoning Officer may issue a temporary Certificate of Occupancy allowing occupancy of a building or structure, or parts thereof, before the entire work covered by the building permit has been completed, provided such portion(s) as have been completed may be occupied safely without endangering public life or welfare.

E. Fees.

The amount of any fees to be charged for applications, interpretations, special permits, variances, certificates of occupancy, inspections and other services and acts required by, or arising from, application of this Law shall be fixed from time to time by resolution of the Town Board.

Section 23. VIOLATIONS AND PENALTIES.

The owner or general agent of a building or premises where a violation of any provisions of this Law has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has

been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises or any part thereof in which any violation shall exist, shall be guilty of a misdemeanor punishable by a fine not exceeding Three Hundred Fifty and 00/100 Dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than Three Hundred Fifty and 00/100 Dollars (\$350.00) nor more than Seven Hundred and 00/100 Dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than Seven Hundred and 00/100 Dollars (\$700.00), nor more than One Thousand and 00/100 Dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both.

Each week's continued violation after notice thereof has been given as herein provided shall constitute a separate violation. Such notice shall be in writing, signed by the Zoning Officer, and shall be served upon the person or persons committing such violation either personally or by registered mail or by certified mail to such person or persons at his or their last known address.

In addition, the Town authorities shall have such other remedies as are provided by law to restrain, correct or abate any violation of this law.
